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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,396	03/20/2002	Yoon S. Cho-Chung	214616	7877

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LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6780

EXAMINER

UNGAR, SUSAN NMN

ART UNIT	PAPER NUMBER
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1642

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/018,396

Applicant(s)

CHO-CHUNG, YOON S.

Examiner

Susan Ungar

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 20 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) 1-20 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

1. Claims 1-20 are pending in the application and are currently under prosecution.
2. This application contains the following inventions or groups of inventions which are not so linked as to form a single inventive concept under PCT Rule 13:

Group 1, claims 1-3, 4-in-part, 5-8 are drawn to a method of diagnosing breast cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 2, claims 1-3, 4-in-part, 5-8 are drawn to a method of diagnosing prostate cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 3, claims 1-3, 4-in-part, 5-8 are drawn to a method of diagnosing ovarian cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 4, claims 1-3, 4-in-part, 5-8 are drawn to a method of diagnosing colon cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 5, claims 1-3, 4-in-part, 5-8 are drawn to a method of diagnosing pancreatic cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 6, claims 1-3, 4-in-part, 5-8 are drawn to a method of diagnosing lung cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 7, claims 1-3, 4-in-part, 5-8 are drawn to a method of diagnosing bladder cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 8, claims 1-3, 4-in-part, 5-7, 9 are drawn to a method of diagnosing breast cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 9, claims 1-3, 4-in-part, 5-7, 9 are drawn to a method of diagnosing prostate cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 10, claims 1-3, 4-in-part, 5-7, 9 are drawn to a method of diagnosing ovarian cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 11, claims 1-3, 4-in-part, 5-7, 9 are drawn to a method of diagnosing colon cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 12, claims 1-3, 4-in-part, 5-7, 9 are drawn to a method of diagnosing pancreatic cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 13, claims 1-3, 4-in-part, 5-7, 9 are drawn to a method of diagnosing lung cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 14, claims 1-3, 4-in-part, 5-7, 9 are drawn to a method of diagnosing bladder cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 15, claim 10 is drawn to a method of determining the hormone dependency of breast cancer in a patient.

Group 16 claims 11-12, 13-in-part, 14-16 are drawn to a method of prognosticating breast cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 17 claims 11-12, 13-in-part, 14-16 are drawn to a method of prognosticating prostate cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 18 claims 11-12, 13-in-part, 14-16 are drawn to a method of prognosticating ovarian cancer in a patient using antibody to catalytic subunit of ECPKA

Group 19 claims 11-12, 13-in-part, 14-16 are drawn to a method of prognosticating colon cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 20 claims 11-12, 13-in-part, 14-16 are drawn to a method of prognosticating pancreatic cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 21 claims 11-12, 13-in-part, 14-16 are drawn to a method of prognosticating lung cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 22 claims 11-12, 13-in-part, 14-16 are drawn to a method of prognosticating bladder cancer in a patient using antibody to catalytic subunit of ECPKA.

Group 16 claims 11-12, 13-in-part, 14-15 and 17 are drawn to a method of prognosticating breast cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 17 claims 11-12, 13-in-part, 14-15 and 17 are drawn to a method of prognosticating prostate cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 18 claims 11-12, 13-in-part, 14-15 and 17 are drawn to a method of prognosticating ovarian cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 19 claims 11-12, 13-in-part, 14-15 and 17 are drawn to a method of prognosticating colon cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 20 claims 11-12, 13-in-part, 14-15 and 17 are drawn to a method of prognosticating pancreatic cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 21 claims 11-12, 13-in-part, 14-15 and 17 are drawn to a method of prognosticating lung cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 22 claims 11-12, 13-in-part, 14-15 and 17 are drawn to a method of prognosticating bladder cancer in a patient using antibody to regulatory subunit of ECPKA.

Group 23, claim 18, is drawn to a method of treating cancer in a patient by inhibiting the expression of ECPKA with a vector that targets Riibeta subunit of PKA.

Group 24, claims 19-20, is drawn to a method of treating cancer comprising inhibiting the expression of the wild-type type I and type II isozymes of PKA

3. The inventions are distinct, each from the other because of the following reasons:

A national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. When claims to different categories are present in the application, the claims will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: (1) A product and a process specially adapted for the manufacture of said product; or (2) A product and a process of use of said product; or (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or (4) A process and an apparatus or means specifically designed for carrying out the said process; or (5)

A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process. If multiple products, processes of manufacture or uses are claimed, the first invention of the category first mentioned in the claims of the application will be considered as the main invention in the claims, see PCT article 17(3) (a) and 1.476 (c), 37 C.F.R. 1.475(b) and (d). Group I will be the main invention. After that, all other products and methods will be broken out as separate groups (see 37 CFR 1.475(d).)

Group 1, claims 1-3, 4-in-part, 5-8 form a single general inventive concept.

Groups 2-24 are drawn to different methods and therefore are broken out as separate groups.

4. Because these inventions are distinct for the reasons given above restriction for examination purposes as indicated is proper.


5. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, Ph.D. whose telephone number is (571) 272-0837.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew, can be reached at (571) 272-0787. The fax phone number for this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan Ungar  
Primary Examiner  
Art Unit 1642